

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

App. No.: 10/633,805
Inventors: Randall T. Webber, et al.
Filed: August 4, 2003
Title: **SELF-ALIGNING PIVOTING SEAT
EXERCISE MACHINE**

Art Unit: 3764
Examiner: Jerome W. Donnelly
Confirmation No.: 7187
Docket No.: 111586-094UTL

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING
REJECTION OVER PENDING REFERENCE APPLICATIONS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The owner, Hoist Fitness Systems, of 100% interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration dates of the full statutory term of any patents granted on Application No. 10/698,908 filed on October 31, 2003 and Application No. 10/699,992 filed on November 3, 2003 (hereinafter "pending reference applications") as the term of any patents granted on said pending reference applications is defined in 35 U.S.C. §154 and §173, and as the term of any patents granted on said pending reference applications may be shortened by any terminal disclaimer filed prior to the grant of any patent on said pending reference applications. The owner hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that any patent so granted and any patents granted on the pending reference applications are

commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 and §173 of any patents issued on the pending reference applications, "as the term of any patents granted on said pending reference applications may be shortened by any terminal disclaimer filed prior to the grant of any patents on the pending reference applications," in the event that any such patents granted on the pending reference applications later: expire for failure to pay a maintenance fee; are held unenforceable; are found invalid by a court of competent jurisdiction; are statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321; have all claims canceled by a reexamination certificate; are reissued; or are in any manner terminated prior to the expiration of their full statutory term as shortened by any terminal disclaimer filed prior to grant.

The undersigned is agent of record, Registration No. 31,468.

Respectfully submitted,
Procopio, Cory, Hargreaves & Savitch

Dated: January 31, 2008

By: Katherine Proctor
Katherine Proctor
Reg. No. 31,468

Procopio, Cory, Hargreaves & Savitch LLP
530 B Street, Suite 2100
San Diego, California 92101-4469
(619) 238-1900
Customer No.: 27189